



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 3] नई दिल्ली, सोमवार, फरवरी 27, 1984/फाल्गुन 8, 1905
No. 3] NEW DELHI, MONDAY, FEBRUARY 27, 1984/PHALGUNA 8, 1905

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 27th February, 1984:—

BILL No. I OF 1984

A Bill to provide for prevention of damage to public property and for matters connected therewith

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Damage to Public Property Act, 1984.

Short
title, ex-
tent and
commen-
cement.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall be deemed to have come into force on the 28th day of January, 1984.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "mischief" shall have the same meaning as in section 425 of the Indian Penal Code;

(b) "public property" means any property, whether immovable or movable (including any machinery) which is owned by, or in the possession of, or under the control of—

- (i) the Central Government; or
- (ii) any State Government; or
- (iii) any local authority; or
- (iv) any corporation established by, or under, a Central, Provincial or State Act; or
- (v) any company as defined in section 617 of the Companies Act, 1956; or
- (vi) any institution, concern or undertaking which the Central Government may, by notification in the Official Gazette, specify in this behalf:

1 of 1956.

Provided that the Central Government shall not specify any institution, concern or undertaking under this sub-clause unless such institution, concern or undertaking is financed wholly or substantially by funds provided directly or indirectly by the Central Government or by one or more State Governments, or partly by the Central Government and partly by one or more State Governments.

Mischief
causing
damage
to public
property.

3. (1) Whoever commits mischief by doing any act in respect of any public property, other than public property of the nature referred to in sub-section (2), shall be punished with imprisonment for a term which may extend to five years and with fine.

(2) Whoever commits mischief by doing any act in respect of any public property being—

- (a) any building, installation or other property used in connection with the production, distribution or supply of water, light, power or energy;
- (b) any oil installations;
- (c) any sewage works;
- (d) any mine or factory;
- (e) any means of public transportation or of tele-communications, or any building, installation or other property used in connection therewith,

shall be punished with rigorous imprisonment for a term which shall not be less than six months, but which may extend to five years and with fine:

Provided that the court may, for reasons to be recorded in its judgment, award a sentence of imprisonment for a term of less than six months.

Mischief
causing
damage to
public
property
by fire
or explosive
substance.

4. Whoever commits an offence under sub-section (1) or sub-section (2) of section 3 by fire or explosive substance shall be punished with rigorous imprisonment for a term which shall not be less than one year, but which may extend to ten years and with fine:

Provided that the court may, for special reasons to be recorded in its judgment, award a sentence of imprisonment for a term of less than one year.

5. No person accused or convicted of an offence punishable under section 3 or section 4 shall, if in custody, be released on bail or on his own bond unless the prosecution has been given an opportunity to oppose the application for such release.

Special
provi-
sions re-
garding
bail.

6. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force, and nothing contained in this Act shall exempt any person from any proceeding (whether by way of investigation or otherwise) which might, apart from this Act, be instituted or taken against him.

Saving

3 of 1984. 7. (1) The Prevention of Damage to Public Property Ordinance, 1984, is hereby repealed.

Repeal
and
saving.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

STATEMENT OF OBJECTS AND REASONS.

With a view to curb acts of vandalism and damage to public property, including destruction and damage caused during riots and public commotion, a need was felt to strengthen the law to enable the authorities to deal effectively with cases of damage to public property. Accordingly, the President promulgated on 28th January, 1984, the Prevention of Damage to Public Property Ordinance, 1984 (No. 3 of 1984).

2. The Ordinance defined "public property" as meaning any property, whether immovable or movable (including any machinery) which is owned by, or in the possession of, or under the control of, the Central Government, or any State Government, or any local authority, or any corporation established by, or under, a Central, Provincial or State Act, or any company as defined in section 617 of the Companies Act, 1956, or any such other institution, concern or undertaking, financed wholly or substantially by funds provided directly or indirectly by the Central Government or by one or more State Governments, or partly by the Central Government and partly by one or more State Governments as the Central Government may, by notification in the Official Gazette, specify in this behalf.

3. Under the Ordinance, a person who commits mischief in respect of any public property, being any building, installation or other property used in connection with the production, distribution or supply of water, light, power or energy, or any oil installations, sewage works, mine or factory, or means of public transportation or telecommunications, etc., is punishable with rigorous imprisonment for a term which shall not be less than six months, but which may extend to five years and with fine. A person committing mischief in respect of any other public property is punishable with imprisonment for a term which may extend to five years and with fine. However, a person who commits mischief against any type of public property by means of fire or explosive substance is punishable with rigorous imprisonment for a term which shall not be less than one year, but which may extend to ten years and with fine.

4. The Ordinance also provided that no person accused or convicted of any offence under the Ordinance shall, if in custody, be released on bail or on his own bond without giving the prosecution and opportunity to oppose the application for such release.

5. The Bill seeks to replace the Ordinance.

NEW DELHI:

The 17th February 1984

P. VENKATASUBBAIAH.

SUDARSHAN AGARWAL,
Secretary-General.